

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NATHANIEL SONKISS by his Guardian,
BARBARA KRASNY,

Plaintiff,

Case No. 05-CV-74519-DT

v.

ENCOMPASS PROPERTY AND
CASUALTY COMPANY,

Defendant.

**ORDER DENYING MOTION TO CERTIFY QUESTION
PURSUANT TO 28 U.S.C. § 1292(b)**

Before the court is Plaintiff's motion, filed February 28, 2006, pursuant to 28 U.S.C. § 1292(b) seeking an immediate appeal of this court's denial of Plaintiff's motion to remand [Dkt # 9]. Pursuant to 28 U.S.C. § 1292(b),

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: Provided, however, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order

28 U.S.C. § 1292(b).

The court's order denying remand was filed February 22, 2006. Plaintiff argued essentially that an older Sixth Circuit case should control in the face of an allegedly

conflicting and more recent Sixth Circuit case concerning the diversity jurisdiction of the federal courts where the citizenship of auto liability insurers under certain circumstances is alleged by a plaintiff to be non-diverse. The court adequately considered Plaintiff's arguments in that order, and is not "of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation" 28 U.S.C. § 1292(b). Accordingly,

Plaintiff's motion for certification [Dkt. # 10] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 20, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 20, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522